

Christopher CA Clack

(Name)

P.O. Box 799004

(Address)

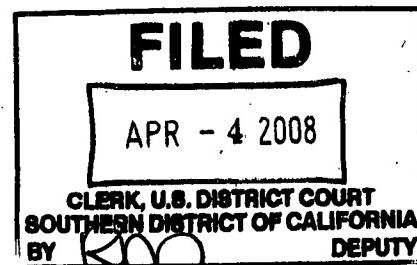
San Diego, CA 92179

(City, State, Zip)

F98816

(CDC Inmate No.)

2234	1983
FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
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COPIES SENT TO	
Court <input checked="" type="checkbox"/>	Priso <input type="checkbox"/>



## United States District Court

### Southern District of California

Christopher Charles Alexander Clack

(Enter full name of plaintiff in this action.)

Plaintiff,

'08 CV 0624 IEG RBB

Civil Case No.

(To be supplied by Court Clerk)

v.

San Diego County Sheriff's Department  
Deputy Latimer #3275  
Deputy Hoenig #2840,

(Enter full name of each defendant in this action.)

Defendant(s).

Complaint under the  
 Civil Rights Act  
 42 U.S.C. § 1983

#### A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

#### B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Christopher CA Clack

(print Plaintiff's name)

, who presently resides at Donovan Correctional

(mailing address or place of confinement)

Facility, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at San

Diego Central Jail on (dates) 3-29-07, 3-29-07, and 3-29-07

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

© 1983 SD Form

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant Latimer #3275 resides in San Diego County,  
 (name) (County of residence)  
 and is employed as a Sheriffs Deputy. This defendant is sued in  
 his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: while employed as a Sheriffs Deputy, Latimer did in unison with his peers commit the following acts as recorded on the central facility's closed circuit camera

Defendant Hoenig #2840 resides in San Diego County,  
 (name) (County of residence)  
 and is employed as a Sheriffs Deputy. This defendant is sued in  
 his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: while employed as a Sheriffs Deputy Hoenig did in unison with his peers commit the following acts as recorded on the central facility's closed circuit camera

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
 (name) (County of residence)  
 and is employed as a \_\_\_\_\_. This defendant is sued in  
 his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
 (name) (County of residence)  
 and is employed as a \_\_\_\_\_. This defendant is sued in  
 his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: freedom from cruel and unusual punishment  
 (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

San Diego, California

All following acts of cruel and unusual punishment have been recorded and saved on video camera and will be subpoenas as evidence upon court order.

While hand cuffed behind the back, chained at the ankles and after being completely restrained and unable to move by Deputy Latimer and Deputy Hoenig with four other deputies present and promoting retaliation at 5:40pm in the sally-port of the central facility jail the following took place.

Deputy Latimer angrily lifted the plaintiff into the air while Hoenig and four other deputies cheered him on, then threw the plaintiff to the floor. Deputy Latimer not yet satisfying his peers then picked the plaintiff up higher into the air then again threw him to the floor. Unable to catch himself both blows were absorbed by the face, shoulder and pelvis. Deputy Latimer then mounted the victim's back and began slamming his head into the textured floor until Mr. Clark's chin was completely split to the bone. After the Deputies began laughing Deputy Latimer now satisfied caught his breath.

A list of 50+ witnesses is available upon subpoenas.

Count 2: The following civil right has been violated: deliberate indifference  
 (E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

On 3-29-07 at the central facility Jail in Dountown San Diego California, Deputy Latimer did purposly commit the following acts to deprive inmate Clark of medical treatment.

At approximately 6:00pm the jail-house nurse informed deputy Latimer and an unidentified Sgt. that Christopher Clark needed imediate emergency attention that would have to be preformed at a hospital. Deputy Latimer under the Sgts watch then instead of taking Clark to the hospital, locked Clark in a cell for an hour and left work at 7:00pm. At approximately 8:00 pm the next shift of deputies found Mr. Clark in the holding tank bloodied and bleeding and at that time rushed him to the emergency room at UCSD hospital in Hillcrest. Clarks medical needs were neglected, after being assessed for two hours. This resulted in unnecessary pain and suffering.

Count 3: The following civil right has been violated: freedom of association  
 (E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

Deputy Hoenig was present at the Central Jail in Downtown San Diego at 5:40 pm with Latimer. He had a duty as a Sheriff to rescue an innocent victim from his peer, instead Deputy Hoenig stood watch as an older and abetter and even prevented other inmate from rescuing Mr. Clark. Deputy Hoenig cheered his partner Latimer on and Christopher Clark was in fear for his life because of the vulnerability of himself, being fully restrained he could not protect himself. It was the Deputy's duty to protect him and instead Hoenig proved indifferent and choose the side of evil. Deputy Hoenig choose to associate himself as an older and abetter to all crimes of cruel and unusual corporal punishment.

**D. Previous Lawsuits and Administrative Relief**

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case?  Yes  No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

(b) Name of the court and docket number: \_\_\_\_\_

(c) Disposition: [ For example, was the case dismissed, appealed, or still pending? ] \_\_\_\_\_

(d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(e) Approximate date case was filed: \_\_\_\_\_

(f) Approximate date of disposition: \_\_\_\_\_

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ?  Yes  No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

- ① Internal Departmental Remedies:      ④ County Claim Submitted  
A Grievance to Deputy "lowest level" and received  
B Grievance to Deputy Sergeant      C Right to Sue Issued  
D Grievance to Deputy Lieutenant      from San Diego County  
E Grievance to Deputy Captain  
F Internal Affairs Complaint  
G Citizens Law Enforcement Review Board Complaint  
H Grand Jury Complaint

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): from any direct contact

with inmates and further "use of force" at any facility.

2. Damages in the sum of \$ 50,000.00.

3. Punitive damages in the sum of \$ 75,000.00.

4. Other: \_\_\_\_\_

**F. Demand for Jury Trial**

Plaintiff demands a trial by  Jury  Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

2-13-08

Date

Christopher C. Park  
Signature of Plaintiff

Christopher C.A. Clack vs San Diego Sheriffs  
Department

I am am inmate at George Bailey Detention Facility whohas been a victim of cruel and unusual corporal punishment. I have given several grievance compaint forms; some of which several Deputies refused to sign, internal affiar complaintforms and three "Writs of Habeus Corpus" to the respective authorities. After my first complaint I was put in segregated housing "the hole" for several days and denied any telephonic communication. After my second I was putin segregated housing for fifteen days under the same conditions. This all esculated from a March 29, 2007 "Use of Force" when I refused to throw away my dinner that I was handed two minuts prior. At that time, Deputy Latimer(3275), under Deputy Hoenig's order,grabed me put me against the wall and placed hinged hand cuffs,one right side up and the other upside down, on me after threatening to break my arm. He then placed leg chains on me. While both my feet were being held. by Latimer inmid air,the other Deputies in black uniforms began diving orders for the other fifty inmates to face the opposite direction. Deputy Latimer and Hoenig's report (exhibit A) reflect the above mentioned events without the true and brutaldetails. Their reports also fail to record how I ended up in the emergency room more than two hours after emergency medical attention was ordered by the facility nurse. While the deputies in black were diverting the otherinmates attention Deputy Latimer working in co- erosion with the other Deputies lifted me into the air then threw me to the floor. Ibegan to cry out hoping some one would stop this or at least "be a witness". Deputy Latimer then picked me up and put me back against the wall. He wispered in my ear "have you had enough?" I told him "your here to protect not to punish". He picked me up again, this time higher and threw me to the floor busting my chin wide open to the bone. When I began yelling for help Deputy Latimer kneed me in the back and began slam- ming my head against the ground until blood began running from my chin. At this point Latimer made a joke to the group of deputies about my bleeding chin and his peers began laughing. I was takento medicalwhere Deputy Latimer remonved my hand cuffs and challenged me to a fight. I saw a Sergeant standing near and asked him to interceed, he smiled and shook his head. Deputy Latimer came closer and pushed me and still the Sergeant did nothing. The nurse came and Latimer began joking, about what he did, with the Sergant. The nurse said "heneeds to go out" and I was then hidden by Latimer in a cell and left for the next shift to find. After filling the first two grievances I began to recieve threats to stay quiet about the incident but I couldent I cried out to anyone who would listened and I was punished severly.

I went back to court on April 4, 2007 Deputy Latimer was working and when he saw me he entered the holding tank and began pushing me into the wall, bench and other inmates. The other inmates began to protest his behavior and he took me to a long hall with no camera's and told me he would be back. I made a decision then that I would expose this coruption.

Again on April 9, 2007(exhibit B) I returned to court and from the moment Deputy Hoenig saw me he began his attack's. He separated me into a single holding tank sounding off orders as if I were a dog. He brought other deputies over to show them what they had done as if my scares were plaques. When I came from court at 9:30 am the Deputies locked me in a cold single cell and instead of letting me return with my co-defendants at 11:00 am I was held until 4:30 pm. In that time Deputy Hoenig wrote an incident report stating that I made "inflamatory and disrespectful remarks" and without a disiplinary hearing I was thrown in the "hole" again. Deputy Hoenig knew his accusations were false when I asked him about any one who might have heard this other than himself. He then drated a second copy of his report (exhibit C) adding a ficticious witness. I tried to

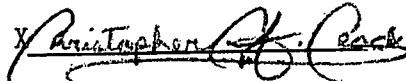
appeal Sgt. Espinoza's dicision to Lieutenant Birdsong(exhibit D) and (exhibit E) who distroyed thecopies of my grievance's and told Espinoza to handle it. (exhibit F) I wrote another grievance and Sgt. Espinoza placed me in "greens" (exhibit G) the color for inmates facing life, prone to escape or who are violent. I am none of the above. Upon recieving my grievance Lt. birdsong wrote me a letter stating "you may have" given me the grievance "I just dont recall" "mabe Espinoza can shed some light on it's where abouts" "all I know is I dont have it." He then called me on April 30, 2007 and said I had no grievances logged in the computer. Since then I began telling my lawyer everything and saving all paper-work. But the Sheriffs Department knew this so they began reading my leagal mail and every letter I have mailed in regards to thees events has dissapeard. On one occasion I caught Deputy Van Dorn attempting to seal an envelop without its contents, (exhibit H) its contents being letters to the courts about my treatment, that letter was never received. I continue to be threatened by the Sheriffs deputieis who have filled paperwork to comit me to "the hole" for the remainder of my stay. The Segragated Housing order alleges that I have " a propensity for violence towards other inmates and or staff, yet neither inmate nor staff has alleged any violence on my behalf. I have tried to file complaints with Internal Affairs who rebuffed my claims, the CLERB, grand jury and UCLA. I have spoken with a Captain who recomended legal action but warned of the dangers of pursuing a case against Sheriffs Capt. Pina. I have no where to turn and I am still in the custody of these predators please take interest so that I won't become a nother statistic lost in the system.

Witnesses:

Derek Harrel 6460255  
Trayton Landroche 7721208

and the 50 inmates present for court  
on 3-29-07

Christopher C.A. Clack



origionaly on 7-19-07

**COMPLAINANT**

<b>COMPLAINANT NAME</b>		Christopher C. Clack	
<b>MAILING ADDRESS</b>		446 Alta Road, Ste 5300 San Diego, CA 92158	
<b>PHONE # (Home &amp; Work)</b>			
<b>SEX: M</b>	<b>ETHNICITY: B</b>	<b>DOB:</b> 01/29/1985	<b>DL, ID or BK:</b> 6441423
<b>NAME &amp; ADDRESS OF AGGRIEVED (If other than complainant)</b>			
<b>IF IN CUSTODY, FACILITY &amp; DATE OF RELEASE</b>		George Bailey Detention Facility	
<b>OUT OF CUSTODY ADDRESS &amp; PHONE</b>		Grandmother - Marie Weekly 405-751-4012 405-427-7922      2304 NW 114th St Oklahoma City, OK 73120	

**INCIDENT CAUSING THIS COMPLAINT**

<b>LOCATION OF INCIDENT</b>	San Diego Central Jail		
<b>DATE OF INCIDENT</b>	03/29/2007		
<b>RACE OR GENDER ISSUE?</b> <input type="checkbox"/>			
<b>ACCUSED NAME, BADGE # &amp; ASSIGNMENT (Use extra sheets, if needed.)</b>	Deputy Hoenig, #2840	San Diego Central Jail	
	Deputy Latimer, #3275	San Diego Central Jail	
	Unknown Sergeant	San Diego Central Jail	
	Sergeant Espinoza, #4418	George Bailey Detention Facility	
	Deputy Van Dorne, #4925	George Bailey Detention Facility	
	Unknown Deputy	George Bailey Detention Facility	
<b>WITNESS NAME, ADDRESS, # (Use extra sheets, if needed)</b>	Derek Harrel 6460255 Robert Martello Troyton Landroche 7721208 8814 Lance ave Luther Brown F50b10-Bonovan Spring Valley Ca 91977 7745336		

**COMPLAINANT - GO TO NEXT PAGE>>>>****CLERB STAFF USE ONLY**

<b>LODGE DATE</b>	07-16-07	<b>FILE DATE</b>		<b>CASE NUMBER</b>	07-069
<b>INTAKE INV</b>	J.E.	<b>HOW RECEIVED</b>	Telephonically		
<b>INJURIES CLAIMED [X]</b>	<b>INJURIES VISIBLE</b> <input type="checkbox"/>		<b>DRUG OR ALCOHOL RELATED</b> <input type="checkbox"/>		
<b>MEDICAL RELEASE SIGNED</b> <input type="checkbox"/>	<b>PHOTOS TAKEN</b> <input type="checkbox"/>		<b>OTHER WAIVERS SIGNED</b> <input type="checkbox"/>		

**ALLEGATIONS**

<input checked="" type="checkbox"/> Excessive Force (EF)	<b>Discrimination or Sexual Harassment (DC)</b>		
Improper Discharge of Firearms (IDF)	<b>Illegal Search or Seizure (ISS)</b>		
False Arrest (FA)	<input checked="" type="checkbox"/>	<b>False Reporting (FR)</b>	
<input checked="" type="checkbox"/> Criminal Conduct (CC)	<input checked="" type="checkbox"/>	<b>Misconduct (M)</b>	

*Misconduct Sub-categories:*Discourtesy      **Harassment**      Intimidation      Medical      **Procedure**      Retaliation      Truthfulness**STAFF COMMENTS**

M/P

**HOW DID COMPLAINANT LEARN ABOUT CLERB?**

<b>Other Citizen/Inmate</b>	Prior Complainant/Witness	<b>Other Department Referral</b>	CLERB Information Brochure	CLERB Website	Other Public Information	Unknown/Declined to State

**DESCRIPTION OF INCIDENT**

(Attach additional sheets. Number pages as needed and sign bottom of each added page.)

The following statement was obtained on July 16, 2007 during a telephonic interview with the complainant, paraphrased by Special Investigator Julio Estrada.

On March 29, 2007, after a day in court, the complainant, along with approximately 50 other inmates, was at the San Diego Central Jail before being returned to George Bailey Detention Facility, where he is housed. They arrived at the Central Jail as dinner was being served. The complainant said he was the last one to enter the holding dining room. By the time he was able to pick up his food tray and sit down to eat, deputies ordered all the inmates to finish their meals and to get ready to board the bus for George Bailey.

As the complainant started to eat rapidly, Deputy Hoenig approached him and told him to stop eating and to board the bus immediately. The complainant said he argued with Deputy Hoenig and stated that as an inmate he had a right to eat.

was told by Dep. Hoenig  
Because he knew he would not be able to eat when he got to the detention facility and despite repeated orders from Deputy Hoenig, the complainant said he continued to put food in his mouth, disobeying Deputy Hoenig's

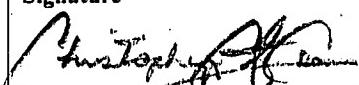
orders. At this point, Deputy Hoenig dragged the complainant out of the dining room into the sally port of the jail and pushed him against a wall. He summoned Deputy Latimer, who "yanked" the complainant from where he was standing and threw him to a wall. The complainant objected to his treatment by Deputy Latimer, but

Deputy Latimer yelled at him to "shut up." Both deputies handcuffed the complainant and told the complainant, "Shut up, or I'll break your arms." The complainant was handcuffed with hinged handcuffs,

<sup>He also had chains placed around his ankles.</sup>  
which placed his arms in a strained position with his arms behind his back. He was then repeatedly thrown to the ground by Deputy Latimer while handcuffed. There were approximately fifty other inmates in the area along with several officers dressed in black uniforms. All the inmates were ordered by the officers to turn around and not to look, or otherwise, the same thing would be happening to them.

The complainant stated that at this point he asked the other officers for help, but they all ignored him while Deputy Latimer continued to throw him against the wall and the floor and to push his head against the floor with his body weight. The complainant said the incident lasted anywhere from fifteen to thirty minutes, until

**SWORN STATEMENT OF COMPLAINANT:** I hereby certify that, to the best of my knowledge, and under penalty of perjury, the statements made herein are true.

Signature	Print Name	Date
	Christopher C. Clark	7-19-07

**DESCRIPTION OF INCIDENT**

(Attach additional sheets. Number pages as needed and sign bottom of each added page.)

the complainant started to bleed from various areas of his face. At this point, Deputy Latimer pushed the complainant against a wall and from behind his back, he approached the complainant and in a mockingly voice chanted next to his ear, "Oh, look, he is bleeding now." The complainant said that Deputy Hoenig and the other officers started to laugh at the complainant.

The complainant was taken into the jail infirmary, where he was seen by a nurse. Due to the severity of the injuries, the nurse asked the deputies to transfer the complainant to the University of California San Diego (UCSD) Medical Center for treatment. Deputy Latimer <sup>took</sup> instead made the complainant wait in a standing-up-position <sup>to a holding cell and left him</sup> their until he was found by the next shift. until the ambulance arrived. While waiting, and in front of an unknown sergeant, Deputy Latimer challenged the complainant to a fist fight, placing his face in close proximity to the complainant's face. The complainant asked the unidentified sergeant for help, but the sergeant replied "no" and looked the other way.

After he was treated at UCSD, the complainant was transferred to George Bailey Detention Facility. He was written up for "disrespecting staff" and was given five days in isolation as punishment for the jail incident. During the write-up process, Sergeant Espinoza denied the complainant a disciplinary hearing.

The complainant filed grievances about the jail incident and the denial of a disciplinary hearing and contacted Internal Affairs for the same issues. The complainant was later wrongly accused by <sup>Deputy Hoenig</sup> an unknown deputy of insulting another deputy. He was written up for a second instance of disrespecting staff. The complainant feels that this second write-up was in retaliation for filing grievances and contacting Internal Affairs. As a result of <sup>After being denied a disciplinary hearing by Espinoza. For this offense he received twelve days,</sup> the second write-up, he was placed in isolation a second time. The complainant stated he filed a grievance related to the second write-up, but the grievance has not been answered. He has been told <sup>by Lt. Birdsong</sup> that the grievance document was lost or never received. The complainant said he has copies of these documents.

The complainant states that he now fears for his life and wrote family members to notify them of his situation, but his mail has been lost. He also attempted to send confidential letters to his lawyer in sealed envelopes labeled "legal mail," but Deputy Van Dorne did not allow him to seal the envelopes and read the contents. The complainant said the letters have not reached his lawyer. The complainant also wrote Sheriff Kolender, but <sup>unopened</sup> Deputy Van Dorne pulled the letter and placed it in a container for disposal.

**SWORN STATEMENT OF COMPLAINANT:** I hereby certify that, to the best of my knowledge, and under penalty of perjury, the statements made herein are true.

Signature	Print Name	Date
<i>Christopher A. Clark</i>	Christopher A. Clark	7-19-07

**Incident Report**

**Exhibit A**

On 03-29-07, at approximately 1740 hours, I was working as the First Floor Courts Deputy at San Diego Central Jail (SDCJ) when Inmate Christopher Clack (BKG# 6441423) refused to exit Transfer Holding Cell #1 to board a bus returning inmates to George Bailey Detention Facility.

All other inmates had completed eating their evening meal and exited the cell except for Inmate Clack. Clack's food appeared to be untouched. When I directed Clack to come to the cell door he refused, saying he hadn't finished eating yet. I advised Clack that there was no more time for him to eat and that he must exit the cell so we can continue to load inmates onto buses headed throughout the county. Clack came to the holding cell door with his meal in his hand. I advised Clack that he would not be able to bring his meal onto the bus. I asked him to set the meal down and exit the cell. Clack refused.

I told Clack, "Sir, at this point I am not asking you. I am telling you - Put the food down and exit the cell." Clack refused to comply. I stepped into the cell and attempted to remove the Styrofoam food tray from Clack's hand. Clack pulled back on the tray and out of my grip. I placed my right hand on Clack's upper left arm and attempted to use arm guidance to escort Clack out of the cell. Clack twisted his upper body and pulled free from my grip.

Deputy Latimer (3275) escorted Clack out of Transfer Holding Cell #1 and into the hallway where the other inmates were being chained up. Clack refused to follow Deputy Latimer's instructions to face the wall. Clack repeatedly turned away from the wall and attempted to face Deputy Latimer. Deputy Latimer gave Clack verbal commands to place his hands behind his back. Clack refused to comply.

Deputy Latimer attempted to place leg chains on Clack. Clack refused to follow Deputy Latimer's verbal commands while being leg chained. I observed Clack tense his leg muscles to prevent his legs from being chained. Clack was involved in a USE OF FORCE. See booking jacket for details.

Clack's behavior was in violation of:  
Rule 102 □ Inmates shall obey staff instructions.  
Rule 701 □ Delaying jail operations.

As an inmate charged with a violation of San Diego County Detention Facility Services rules and regulations referred to the Disciplinary Hearing Officer for disposition, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the Disciplinary Hearing Officer.
2. If you are illiterate or unable to represent yourself, you have the right to have a full-time member of the staff who is reasonably available to represent you before the Disciplinary Hearing Officer.
3. The right to call witnesses (or present written statements of unavailable witnesses) and to present documentary evidence in your behalf, provided institutional safety would not be jeopardized.
4. The right to present a statement or to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act.
5. The right to be advised of the Disciplinary Hearing Officer's decision and the facts supporting the decision in writing.
6. The right to appeal the decision of the Disciplinary Hearing Officer by means of the grievance procedure within 10 calendar days once notified of disposition.
7. You also have the right to an immediate hearing before the Disciplinary Hearing Officer if you sign a waiver.

On 04-05-07 and on 04-09-07, Inmate Christopher Clack (BKG#6441423) arrived at San Diego Central Jail for court appearances in San Diego Superior Court. Both times Clack has displayed disruptive and disrespectful behavior and delayed jail operations.

Clack became involved in a USE OF FORCE with court deputies at San Diego Central Jail on 03-29-07 for similar behavior and his refusal to follow deputies' instructions (See incident #74005532).

Clack continues to make inflammatory and disrespectful remarks towards deputies, repeatedly making remarks such as, "Fuck you, punk ass bitch, and "You are a bunch of fucking liars anyway."

Clack will not follow deputies' instructions without being told repeatedly to do so. Clack's behavior continues to delay jail operations at every contact with him.

This rule violation report is being written to document Clack's continued inappropriate behavior.

Clack's behavior is in violation of:

- Rule 101 Disrespect towards staff
- Rule 102 Inmates shall obey staff instructions.
- Rule 701 Delaying jail operations.

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**Incident Report**

On 04-05-07 and on 04-09-07, Inmate Christopher Clack (BKG#6441423) arrived at San Diego Central Jail for court appearances in San Diego Superior Court. Both times Clack had displayed disruptive and disrespectful behavior and delayed jail operations.

Clack became involved in a USE OF FORCE with court deputies at San Diego Central Jail on 03-29-07 for similar behavior and his refusal to follow deputies' instructions (See incident #74005532)

Clack continues to make inflammatory and disrespectful remarks towards deputies, repeatedly making remarks such as, "Fuck you, punk ass bitch, and "You are a bunch of fucking liars anyway."

Clack will not follow deputies' instructions without being told repeatedly to do so. Clack's behavior continues to delay jail operations at every contact with him. SDCJ Court Deputy Silva (2922) is an additional witness to Clack's behavior.

This rule violation report is being written to document Clack's continued inappropriate behavior.

Clack's behavior is in violation of:

- Rule 101  Disrespect towards staff  
Rule 102  Inmates shall obey staff instructions.  
Rule 701  Delaying jail operations.

Clack was served with a copy of the rule violation report at 1115 hrs on 04-09-07. Clack refused to sign the 24 hour waiver.

As an inmate charged with a violation of San Diego County Detention Facility Services rules and regulations referred to the Disciplinary Hearing Officer for disposition, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the Disciplinary Hearing Officer.
2. If you are illiterate or unable to represent yourself, you have the right to have a full-time member of the staff who is reasonably available to represent you before the Disciplinary Hearing Officer.
3. The right to call witnesses (or present written statements of unavailable witnesses) and to present documentary evidence in your behalf, provided institutional safety would not be jeopardized.
4. The right to present a statement or to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act.
5. The right to be advised of the Disciplinary Hearing Officer's decision and the facts supporting the decision in writing.
6. The right to appeal the decision of the Disciplinary Hearing Officer by means of the grievance procedure within 10 calendar days once notified of disposition.
7. You also have the right to an immediate hearing before the Disciplinary Hearing Officer if you sign a waiver.

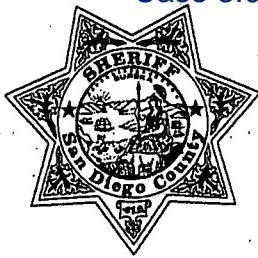
Officers who refused to sign Grievances:

D. Hollins

V. Shevelski

Rowlings

K. Flaguet



# San Diego County SHERIFF'S DEPARTMENT

## INMATE GRIEVANCE FORM FORMA DE QUEJA DE PRESO

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Clark, Christopher, Charles

De: Name (Last, First, Middle)

Nombre (Ultimo, Primero, Segundo)

10441423

Booking Number

Número de ficha

LCSC

Housing unit

Unidad de alojamiento

Grievance is about:  Jail Procedures     Jail Conditions     Medical     Other  
La queja es acerca de: Procedimientos de la Cárcel    Condiciones de la Cárcel    Médico    Otro

Date and Time of Incident:

Fecha y hora del incidente: 4-9-07 2200 hrs

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)

On this day Sgt. Espinoza refused said inmate  
 1) the right to call witnesses on his behalf  
 2) the right to disciplinary hearing  
 3) the right to be advised of Disciplinary Officer's decision  
 After refusing these rights said inmate was left in the  
 hole for twelve days and is still waiting for disciplinary  
 Officers decision to be made known to him with the  
 supporting facts.

Christopher H. Peas

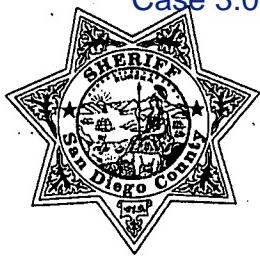
Inmate Signature  
Firma de Preso

5-02-07

Date  
Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:	Signature of receiving staff member	ARJIS #	Date	Time
Entered in JIMS:	Date	Time	JIMS Grievance Number	
Routed to:	Print name of individual or unit	Date	Time	
<input type="checkbox"/> This is not a grievance: <input type="checkbox"/> This is an inmate request—resolve appropriately. (No entry in JIMS.) <input type="checkbox"/> This is an appeal of discipline—JIMS Incident # _____ <input type="checkbox"/> This is a complaint against staff—handle appropriately. (No entry in JIMS.)				



# San Diego County SHERIFF'S DEPARTMENT

## INMATE GRIEVANCE FORM FORMA DE QUEJA DE PRESO

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Clack, Christopher, Charles  
 De: Name (Last, First, Middle)  
 Nombre (Ultimo, Primero, Segundo)

6441423  
 Booking Number  
 Número de ficha

SC  
 Housing unit  
 Unidad de alojamiento

Grievance is about:  Jail Procedures     Jail Conditions     Medical  
 La queja es acerca de: Procedimientos de la Cárcel    Condiciones de la Cárcel    Médico     Other  
 Otro

Date and Time of Incident:  
 Fecha y hora del incidente: 4-9-07 2200

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
 Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)

"Right six" on SDSO Incident Report is "The right to appeal the decision of Disciplinary Hearing officer by means of the grievance procedure within 10 calendar days once notified of disposition! I was not fired by Lieutenant Clack on May 4, 2007 since Espinoza refused to give me paper work or a disciplinary hearing. The only thing I was given was paper work from earlier incident dated 3-29/31-07. I was cooperative with espinoza giving him the names of several inmates including Silva 2922 who is a Deputy; Luis Barboza and Joshua Saucedo who, I told him, were housed in the medical tank. In addition I wrote a grievance about this incident while in SA and sgt. Espinoza did not log it or answer it after the copy was given to him by Lt. Birdsong. I would like to purchase commissary on the 8 day of May 2007.

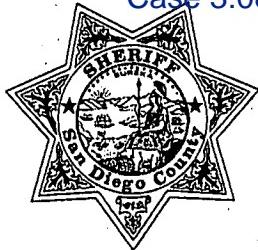
Christopher, Charles  
 Inmate Signature  
 Firma de Preso

5-8-07

Date  
 Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:	<u>B. B.</u>		4629	5-06-07	1605
Signature of receiving staff member	ARJIS #	Date	Time		
Entered in JIMS:	Date	Time	JIMS Grievance Number <u>5-8-07 16-15</u>		
Routed to:	Print name of individual or unit		Date	Time	
<input type="checkbox"/> This is not a grievance: <input type="checkbox"/> This is an inmate request—resolve appropriately. (No entry in JIMS.) <input type="checkbox"/> This is an appeal of discipline—JIMS Incident # _____ <input type="checkbox"/> This is a complaint against staff—handle appropriately. (No entry in JIMS.)					



# **San Diego County SHERIFF'S DEPARTMENT**

# **INMATE GRIEVANCE FORM**

# **FORMA DE QUEJA DE PRESO**

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Christopher Clark (Christopher, Charles) 6441423 S.C.  
De: Name (Last, First, Middle) Booking Number  
Nombre (Ultimo, Primero, Segundo) Número de ficha Housing unit  
Unidad de alojamiento

Grievance is about:  Jail Procedures  Jail Conditions  Medical  Other \_\_\_\_\_  
La queja es acerca de: Procedimientos de la Cárcel Condiciones de la Cárcel Médico Otro

Date and Time of Incident:  
Fecha y hora del incidente: April 30, 2007 1300 hrs

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)

On this day Lt. Birdsong informed said inmate that a grievance that was given directly to him on or about 4-21-07 concerning Sgt Espinoza and Dept. Latamire was not filled but given to Sgt. Espinoza to do what he would like with it. After this the grievance disappeared and no action has been taken. I appealed to ~~supt~~ Lt. Birdsong for review and he took no action.

*Christopher P. Cox*  
Inmate Signature  
Firma de Preso

5-02-07

Date \_\_\_\_\_

### Fecha

**BOX BELOW IS FOR OFFICIAL USE ONLY.**

Received by:	<u>CJ</u>	Signature of receiving staff member	<u>0699</u>	ARJIS #	<u>5/2/07</u>	Date	<u>1115</u>	Time
Entered in JIMS:								
	Date	Time			JIMS Grievance Number			
Routed to:					Date	Time		
	Print name of individual or unit							

This is not a grievance:  This is an inmate request—resolve appropriately. (No entry in JIMS.)  
 This is an appeal of discipline—JIMS Incident # \_\_\_\_\_  
 This is a complaint against staff—handle appropriately. (No entry in JIMS.)



# San Diego County SHERIFF'S DEPARTMENT

## SEGREGATED HOUSING ORDER

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

INMATE NAME	Clack, Christopher			BOOKING #	6441423
HOUSING UNIT	5A Cell # 110	CLASS CODE		INCIDENT #	7406136
DEPUTY NAME				ARJIS	

### SEGREGATED HOUSING IS ORDERED AS SPECIFIED BECAUSE THE ABOVE INMATE:

ADMINISTRATIVE SEGREGATION

- Is pending a hearing or investigation for a rule violation or criminal act.
- Has displayed a continual inability or unwillingness to conform to the minimum standards expected of those in mainline housing.
- Has shown a propensity for violence towards other inmates and/or staff.

PROTECTIVE CUSTODY

- Has been determined by the medical staff to be developmentally and/or mentally disabled and whose concerns do not require treatment for disease, injury, or psychiatric disorder.
- By virtue of his or her small size, advanced age, or other characteristic may be in danger of abuse from the mainline population.
- Has been accused of a crime of a nature and sufficient publicity that would place him or her in physical jeopardy if housed in the mainline population, or is a material witness in a high profile case, or has ties with law enforcement.
- Segregated at request of inmate: \_\_\_\_\_

Inmate must sign here only if he/she has requested the segregation.

APPROVED BY:		ARJIS	4418	DATE	4-9-07	TIME	2150
INMATE'S COPY DELIVERED BY:		ARJIS	4418	DATE	4-9-07	TIME	2158

7-DAY REVIEWS ARE TO BE DOCUMENTED IN INMATE'S HISTORY IN JIMS



# San Diego County SHERIFF'S DEPARTMENT

## INMATE GRIEVANCE FORM FORMA DE QUEJA DE PRESO

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Clark Christopher CA

6441423

SAC

De: Name (Last, First, Middle)  
Nombre (Ultimo, Primero, Segundo)

Booking Number  
Número de ficha

Housing unit  
Unidad de alojamiento

Grievance is about:  Jail Procedures     Jail Conditions     Medical  
La queja es acerca de: Procedimientos de la Cárcel    Condiciones de la Cárcel    Médico

Other  
Otro \_\_\_\_\_

Date and Time of Incident:  
Fecha y hora del incidente:

4-17-07 2100

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)

On or about this date Dept. Van Dorn was collected the mail in modual 5A. I told him that I had legal mail and showed him the items before attempting to seal the envelop. Deputy Van Dorn instructed me to give him the envelop and prevented me from sealing it. He looked through the envelop and took the paperwork out and looked at it. He then attempted to close the envelope without the letter to Sheriff William Kolender inside. I yelled at him to correct this mistake. That letter was never received by my lawyer, or any one else, it disappeared. Then on 5-13-07 Deputy Van Dorn opened a letter from my lawyer and looked at the contents. This violates my privacy and this behavior is against the law.

5-16-07

Inmate Signature  
Firma de Preso

Date  
Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:

M.R. Frank  
Signature of receiving staff member

2427  
ARJIS #

5/17/07  
Date

1915  
Time

Entered in JIMS:

Date

Time

JIMS Grievance Number

Routed to:

Print name of individual or unit

Date

Time

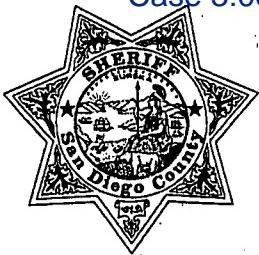
This is not a grievance:

This is an inmate request—resolve appropriately. (No entry in JIMS.)

This is an appeal of discipline—JIMS Incident # \_\_\_\_\_

This is a complaint against staff—handle appropriately. (No entry in JIMS.)





# San Diego County SHERIFF'S DEPARTMENT

## INMATE GRIEVANCE FORM FORMA DE QUEJA DE PRESO

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Clark Christopher Charles

Dé: Name (Last, First, Middle)  
Nombre (Último, Primero, Segundo)

6441423

Booking Number  
Número de ficha

SC

Housing unit  
Unidad de alojamiento

Grievance is about:  Jail Procedures     Jail Conditions     Medical     Other \_\_\_\_\_  
La queja es acerca de: Procedimientos de la Cárcel    Condiciones de la Cárcel    Médico    Otro \_\_\_\_\_

Date and Time of Incident:  
Fecha y hora del incidente: 03-29-07    1740

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario).

On this day said inmate was restrained with chains around his ankles and hand cuffs behind his back. Said inmate was then lifted off the ground and slammed onto the floor. Inmate was then returned to his feet in original position. After inmates head was pushed forward into the wall and orders were given for all other inmates to face away the said inmate was again lifted into the air and slammed to the floor. The assaulting officer Latimer 3275 then mounted the said inmates back with his knee running along the inmates spine and pushed inmates head into the floor. This is a situation describing excessive use of force. The Deputy used force after inmate was restrained this then turned to malicious and sadistic force intended to cause harm.

Inmate Signature  
Inmate Signature  
Firma de Preso

S-02-07

Date  
Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:

CH

Signature of receiving staff member

5852

ARJIS #

05/2/07

Date

1730

Time

Entered in JIMS:

Date

Time

JIMS Grievance Number

Routed to:

Print name of individual or unit

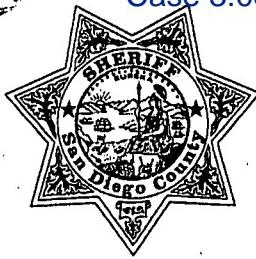
Date

Time

This is not a grievance:     This is an inmate request—resolve appropriately. (No entry in JIMS.)

This is an appeal of discipline—JIMS Incident # \_\_\_\_\_

This is a complaint against staff—handle appropriately. (No entry in JIMS.)



3rd Court Facility Command  
San Diego County Sheriff's Department

**INMATE GRIEVANCE FORM**  
**FORMA DE QUEJA DE PRESO**

SDCJ     DDF     GBDF     EMDF     LCDF     SBDF     VDF

From: Clack, Christopher

De: Name (Last, First, Middle)  
Nombre (Último, Primero, Segundo)

6441423

Booking Number  
Número de ficha

5-15-07 SC

Housing unit  
Unidad de alojamiento

Grievance is about:  Jail Procedures     Jail Conditions     Medical     Other \_\_\_\_\_  
La queja es acerca de: Procedimientos de la Cárcel    Condiciones de la Cárcel    Médico    Otro \_\_\_\_\_

Date and Time of Incident: 3-29-07 1740  
Fecha y hora del incidente:

Describe the reason for your grievance in your own words. Please be specific. (Use additional sheets if necessary)  
Describa la razón de su queja en sus propias palabras. Por favor sea específico. (Use hojas adicionales si es necesario)  
ON 3/29/07, I WAS ACCUSED OF DISBELIEVING STAFF INSTRUCTIONS & DELAYING JAIL OPERATIONS. DEPUTY LATIMER (#3275) BECAME OVERLY AGGRESSIVE & THEN ABUSIVE IN HIS ATTEMPTS TO MOTIVATE ME TO COMPLY WITH HIS INSTRUCTIONS. LATIMER DEMONSTRATED SADISTIC PLEASURE AS HE INTENTIONALLY USED EXCESSIVE FORCE TO CONSTRAIN ME. EVEN AS I COOPERATED WITH LATIMER'S INSTRUCTIONS, HE BRUTALLY USED PHYSICAL PUNISHMENT IN AN ATTEMPT TO HURT ME. SUCH PUNISHMENT INCLUDED 2 FULL-FORCE BODY SLAMS, FACE FIRST, ONTO THE CONCRETE FLOOR, FOLLOWED WITH HIS KNEE BEING PRESSED, FORCEFULLY, AGAINST MY SPINAL COLUMN. ALL OF THIS BRUTALITY WAS ADMINISTERED AFTER MY HANDS & LEGS WERE CHAINED & RESTRAINED. SCARS & OTHER PERMANENT DAMAGE TO MY ARMS & HEAD HAVE BEEN DOCUMENTED BY THE UCSD MEDICAL CENTER EMERGENCY ROOM STAFF IN THE HILLCREST NEIGHBORHOOD OF SAN DIEGO. THE MEDICAL RECORDS FROM THAT INCIDENT WILL CLEARLY INDICATE THE EXTENT OF THE ABUSE I WAS SUBJECTED TO. ON 4/5/07 & ON 4/9/07, DEPUTY HOENIG HARASSED ME CONTINUALLY BY FORCING ME TO REMAIN AT THE DOWNTOWN COURTHOUSE UNTIL THE LAST BUS DEPARTED, INSTEAD OF BEING ALLOWED TO RETURN TO THE GBDF ON EARLIER BUSES WITH OTHER COURT ATTENDEES. ON THESE DATES, DEPUTY HOENIG CONTINUED THE DISCRIMINATORY TREATMENT OF ME BY ATTEMPTING TO MANUFACTURE DISCIPLINARY COMPLAINTS AGAINST ME. THESE SUPPOSEDLY NEW DISCIPLINARY INCIDENTS WERE IN FACT, THE VERY SAME 3/29/07 INCIDENT, MENTIONED ABOVE, WHEN I WAS ABUSED BY DEPUTY LATIMER. WHEN HOENIG REALIZED THAT HE DID NOT HAVE A WITNESS TO CORROBORATE HIS MANUFACTURED INCIDENT, HE DRAFTED A NEW VERSION OF HIS WRITE-UP AND ADDED THE NAME OF A SUPPOSED WITNESS TO HIS ENRICHED WRITE-UP. SERGEANT ESPINOZA DISCUSSED THE LATTER WRITE-UPS WITH ME & ENCOURAGED ME TO SIGN A WAIVER BEFORE MY DISCIPLINARY HEARING. I REFUSED TO DO SO BECAUSE I WISHED TO GATHER WITNESSES TO SUPPORT MY CONTENTIONS ASSOCIATED WITH THE INCIDENT(S). APPARENTLY, IN A FIT OF FRUSTRATION, SGT. ESPINOZA DECIDED TO MAKE AN ILLEGAL, UNILATERAL SUMMARY JUDGMENT DECISION, REGARDING THIS UNRESOLVED "DISCIPLINARY INCIDENT". WITHOUT A FAIR DISCIPLINARY HEARING, ESPINOZA UNJUSTIFIABLY CONDEMNED ME TO BE CLAD IN GREEN CLOTHING, INSTEAD OF THE STANDARD BLUE INMATE CLOTHING. THIS PUNISHMENT WAS RETALIATION FOR MY EFFORTS TO DOCUMENT DEPUTY LATIMER'S UNLAWFUL BRUTALITY TOWARDS ME ON 3/29/07. TO DATE, THERE IS STILL NO DOCUMENTED REASON WHY I AM STILL BEING SUBJECTED TO WEARING GREEN CLOTHING. IT HAS BEEN INCORRECTLY STATED THAT THE REASON FOR MY GREEN CLOTHING IS FOR TWO(2) "USE OF FORCE" INCIDENTS. THE SOLE "USE OF FORCE" INCIDENT IN MY HISTORY IS THE CRUEL & UNUSUAL PUNISHMENT & OUTRIGHT DEPUTY MISCONDUCT PERPETRATED AGAINST ME ON 3/29/07. AN EXAMINATION OF MY MEDICAL RECORDS FROM THAT DATE WILL VERIFY THAT MY EIGHTH AMENDMENT RIGHT, AS GUARANTEED BY THE UNITED STATES CONSTITUTION, WAS CLEARLY VIOLATED.

5-15-07

Date  
Fecha

BOX BELOW IS FOR OFFICIAL USE ONLY

Received by:

B-SB-SK  
Signature of receiving staff member

K66  
ARJIS #

5/15/07  
Date

BS  
Time

Entered in JIMS:

Date	Time	JIMS Grievance Number
------	------	-----------------------

Routed to:

- |  |   |      |
|--|---|------|
| Print name of individual or unit   | Date  | Time |
| <input type="checkbox"/> This is not a grievance;  | <input type="checkbox"/> This is an inmate request—resolve appropriately. (No entry in JIMS.) |      |
| <input type="checkbox"/> This is an appeal of discipline—JIMS Incident #                             |   |      |
| <input type="checkbox"/> This is a complaint against staff—handle appropriately. (No entry in JIMS.) |   |      |

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a civil action.

## I (a) PLAINTIFFS

Christopher C. A. Clack

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

<u>1224</u> <u>1983</u>		<b>FILED</b>
<b>FILING FEE PAID</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	<b>SD County Sheriff's Dept, et al</b>
<b>CIVIL MOTION FILED</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	
<b>COPIES SENT TO</b>		<b>APR - 4 2008</b>
<b>Court</b>		<b>CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA</b>
<b>NOTICE AND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND</b>		

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Christopher C. A. Clack  
PO Box 799004  
San Diego, CA 92179  
F-98816

## ATTORNEYS (IF KNOWN)

'08 CV 0624 IEG RBB

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT  
(For Diversity Cases Only))

- U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

- |   |   |                            |   |
|---|---|----------------------------|---|
| PT                                      | DEF   | PT                         | DEF   |
| <input type="checkbox"/> 1              | <input type="checkbox"/> 1                                | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 <input type="checkbox"/> 4         |
| Citizen of This State                   | Incorporated or Principal Place of Business in This State | Citizen of Another State   | Incorporated and Principal Place of Business in Another State |
| <input type="checkbox"/> 2              | <input type="checkbox"/> 2                                | <input type="checkbox"/> 3 | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | Foreign Nation  |                            | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property			<input type="checkbox"/> Security Act	<input type="checkbox"/> 950 Constitutionality of State
				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
				<input type="checkbox"/> 890 Other Statutory Actions

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding  2 Removal from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 DEMAND \$ Check YES only if demanded in complaint:  
JURY DEMAND:  YES  NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 4/4/2008

SIGNATURE OF ATTORNEY OF RECORD

